

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on January 6, 2020, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Vice-Chair Mary Anderson.

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

Planning Commission members present and establishing a quorum:

- Ms. Mary Anderson, Assembly District #1, Vice-Chair
- Mr. Jason Ortiz, Assembly District #2
- Ms. Patricia Chesbro, Assembly District #3
- Ms. Colleen Vague, Assembly District #4, Chair (*arrived at 6:05 p.m.*)
- Mr. Sassan Mossanen, Assembly District #7

Planning Commission members absent and excused were:

- Mr. Chris Elder, Assembly District #5
- Mr. Stafford Glashan, Assembly District #6

Staff in attendance:

- Mr. Alex Strawn, Development Services Manager
- Ms. Susie Lemon, Assistant Borough Attorney
- Mr. Joseph Metzger, Planner II
- Ms. Mary Brodigan, Planning Commission Clerk

II. APPROVAL OF AGENDA

Vice-Chair Anderson inquired if there were any changes to the agenda.

MOTION: Commissioner Mossanen moved to pull Resolution PC 20-05, 2020 Subdivision Construction Manual and Resolution PC 20-07, Driveway Standards from the agenda to be reintroduced at a later date. The motion was seconded.

VOTE: The motion was approved without objection.

GENERAL CONSENT: The agenda was approved as amended without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Ms. Janet Flaherty, a member of the audience.

IV. CONSENT AGENDA

A. Minutes

1. February 3, 2020, regular meeting minutes

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

(There were no introductions for quasi-judicial matters.)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

1. **Resolution PC 20-12**, recommending Assembly adoption of MSB 17.68, Outdoor Shooting Facilities, in order to establish standards for commercial, educational, and nonprofit outdoor shooting facilities. Public Hearing: March 16, 2020. *(Staff: Alex Strawn)*

Vice-Chair Anderson read the consent agenda into the record.

Vice-Chair Anderson inquired if there were any changes to the consent agenda.

GENERAL CONSENT: The consent agenda was approved without objection.

(Commissioner Vague entered the meeting at 6:05 p.m., and assumed the powers of the Chair.)

V. COMMITTEE REPORTS

(There were no committee reports.)

VI. AGENCY/STAFF REPORTS

(There were no agency/staff reports.)

VII. LAND USE CLASSIFICATIONS

(There were no land use classifications.)

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding concerns with the public process: Mr. Eugene Carl Haberman.

(The meeting recessed at 6:12 p.m., and reconvened at 6:15 p.m.)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS *(Public Hearings not to begin before 6:15 P.M.)*

Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

- A. **Resolution PC 20-06**, an application under MSB 17.65 Variances, for an exception to the minimum 25-foot right-of-way setback requirement under MSB 17.55. The variance would allow the existing single-family home to remain 21.3 feet from the E. Rough Cut Circle

(Tax ID# 6333B02L008) right-of-way, and the existing garage to remain 1.9 feet from the E. Rough Cut Circle right-of-way. (*Applicant: Adam Copson and Janet Flaherty, Staff: Joe Metzger*)

Chair Vague read the resolution title into the record.

Chair Vague:

- read the memorandum regarding quasi-judicial actions into the record;
- queried commissioners to determine if any of them have a financial interest in the proposed Conditional Use Permit (CUP);
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed CUP; and
- if all commissioners are able to be impartial in a decision.

Mr. Metzger provided a staff report:

- staff recommended denial of the resolution.

Commissioners questioned staff regarding:

- clarification of how close the buildings are to the right-of-way (ROW);
- the process for obtaining a legal non-conforming status if the variance is not approved;
- whether the garage is eligible to be granted a legal non-conforming status;
- clarification of all of the options that the applicants have if the variance is not approved; and
- what was it that initiated this action.

Chair Vague invited the applicant or their representative to provide an overview of their application.

Ms. Janet Flaherty and Mr. Adam Copson, applicants, provided an overview of their application.

Commissioners questioned the applicant regarding whether they were aware of the location of the ROW when they built the garage.

Chair Vague opened the public hearing.

The following person spoke regarding concerns with the public process: Mr. Eugene Carl Haberman.

There being no one else to be heard, Chair Vague closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Anderson moved to approve Resolution PC 20-06. The motion was seconded.

VOTE: The main motion failed unanimously.

1. **Resolution PC 20-10**, adopting findings of fact and conclusions of law to support the denial of Resolution PC 20-06.

Chair Vague read the resolution title into the record.

MOTION: Commissioner Anderson moved to approve Resolution PC 20-10. The motion was seconded.

Commissioner Anderson acknowledged the difficulty in failing this variance.

VOTE: The motion passed without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

- A. **Resolution PC 20-05**, supporting an ordinance amending MSB 43.05.015(B)(3) to adopt the 2020 Subdivision Construction Manual. (*Staff: Eileen Probasco*)

(This item was pulled from the agenda during the Approval of the Agenda.)

- B. **Resolution PC 20-07**, recommending Assembly approval of an ordinance adopting MSB 11.12 Driveway Standards in order to ensure driveways within borough right-of-ways minimize negative impact to drainage, maintenance, and safety of the traveling public. (*Staff: Eileen Probasco*)

(This item was pulled from the agenda during the Approval of the Agenda.)

XI. CORRESPONDENCE AND INFORMATION

(There was no correspondence and information.)

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

(There was no new business.)

XIV. COMMISSION BUSINESS

- A. Adjudicatory (*if needed*)
- B. Upcoming Planning Commission Agenda Items

Mr. Strawn provided a brief update on projects that will be coming before the Planning Commission.

XV. DIRECTOR AND COMMISSIONER COMMENTS

Ms. Brodigan reminded commissioners about the joint Assembly/Planning Commission Meeting scheduled for 6:00 p.m. on Tuesday, March 10, 2020.

Commissioner Chesbro stated that Mr. Metzger did a thorough job with the variance request.

Commissioner Mossanen:

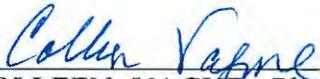
- wished that the applicants had a better understanding of their other options; and
- noted that Mr. Metzger did a really good job in laying out the facts.

Commissioner Vague:

- reminded everyone to turn in their APOC (Alaska Public Offices Commission) statements;
- noted that commissioners do a great job preparing for meetings;
- decisions are made based on the information that is provided by staff;
- opined that everyone tries to be just and fair;
- stated her appreciation for the quality of information provided by staff even when the Planning Department is short-staffed;
- appreciates everyone that makes conscientious decisions on behalf of this community; and
- stated that she is proud to be a member of this board.

XVI. ADJOURNMENT

The regular meeting adjourned at 7:00 p.m.



COLLEEN VAGUE, Planning Commission
Chair

ATTEST:



MARY BRODIGAN, Planning Commission
Clerk

Minutes approved: May 15, 2020